

**Notice of Allowability**

Application No.

10/781,404

Examiner

Caixia Lu

Applicant(s)

SHANNON ET AL.

Art Unit

1713

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/14/04.
2. ☒ The allowed claim(s) is/are 1 and 3-60.
3. ☒ The drawings filed on 18 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 3/9/5/10/5/20&10/14/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Caixia Lu, Ph. D.  
Primary Examiner

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Kevin Faulkner on December 3, 2004.

The application has been amended as follows:

In the Specification:

(i) Page 5, lines 17 and 22 respectively, delete the extraneous phrase "at a melt temperature".

(ii) Page 6, line 6, delete the extraneous phrase "at a melt temperature".

(iii) Page 34, lines 24-26, replace the last sentence of paragraph [00118], "The gel count results are... $7.62 \times 10^{-5} \text{ m}^3$ ." with -- The gel count results are normalized as the number of gels of less than 200  $\mu\text{m}$  in size contained in a  $3 \text{ m}^2$  film sample of 1 mil film, or volume of  $7.62 \times 10^{-5} \text{ m}^3$ . --

2. The following is an examiner's statement of reasons for allowance:

Kuroda (US 4,414,369) teaches the ethylene polymer compositions in Examples 1-6 prepared by the same method as those disclosed in the applicant's specification, Kuroda's ethylene polymers have densities and melt flow rate/melt flow ratios encompass those of inventive examples disclosed in applicants' specification.

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However, Kuroda's high load melt flow rate ( $I_{21}$ ) together with the melt flow ratio ( $I_{21}/I_2$ ) are not overlapped with those of applicants' inventive examples. For example, in Kuroda's Example 1, the low load melt flow rate ( $I_2$ ) is 0.059, and the melt flow ratio ( $I_{21}/I_2$ ) calculated from  $10^{2.32}$  is 210, and the  $I_{21}$  calculated from  $0.059 \times 210$  is 12.4; and in Kuroda's Example 2, the melt flow rate ( $I_2$ ) is 0.36, and the  $I_{21}/I_2$  calculated from  $10^{2.01}$  is 103, and the  $I_{21}$  calculated from  $0.36 \times 103$  is 37. Applicants' inventive examples have melt flow rate  $I_{21}$  and melt flow ratio  $I_{21}/I_2$  as, e.g., 8.5 and 122 for Example 1 respectively and 8.75 and 105 for Example 2 respectively. The melt flow rate  $I_{21}$  and melt flow ratio  $I_{21}/I_2$  of the cited prior art and the inventive examples of the instant application are quite different. Applicants' also disclosed comparative examples in Table 6 of page 44 to show when the comparative examples have slightly different  $I_{21}$  and  $I_{21}/I_2$  from those of applicants' inventive examples, the melt temperatures of the comparative examples do not satisfy the melt temperature relationship of the instant claims. Therefore, one would not expect the melt temperature of the cited prior art to inherently satisfy the melt temperature relationship of the instant claims neither due to the different of between  $I_{21}$  and  $I_{21}/I_2$  of the cited prior art and those of applicants' inventive examples. Therefore, the instant claims are deemed to be novel over the cited prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caixia Lu whose telephone number is (571) 272-1106. The examiner can normally be reached from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful and the matter is urgent, the examiner's supervisor, David Wu, can be reached at (571) 272-1114. The fax numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.



Caixia Lu, Ph. D.  
Primary Examiner  
December 3, 2004